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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 SHAVONDA HAWKINS, on behalf of  
12 herself and all others similarly situated,  
13 Plaintiff,  
14 v.  
15 THE KROGER COMPANY,  
16 Defendant.

Case No.: 15cv2320 JM(AHG)

**ORDER ON MOTION TO SEAL**

17 On November 20, 2020, Plaintiff filed a motion to file unredacted versions of  
18 Plaintiff's Memorandum of Points and Authorities in Support of Motion for Partial  
19 Summary Judgment ("Memorandum") and the Declaration of Gregory S. Weston in  
20 support of Plaintiff's Motion for Partial Summary Judgment ("Weston Declaration") along  
21 with several attached exhibits under seal. (Doc. No. 278.)

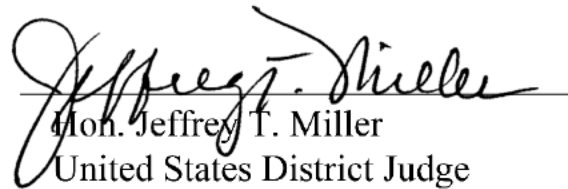
22 In support of the motion, Plaintiff contends that although it is her view that there is  
23 nothing in the documents that qualifies for sealing, Defendant is requesting the documents  
24 be sealed as they contain information designated by Kroger as "confidential." Plaintiff  
25 asserts that: "Kroger contends these documents are properly sealed because they include  
26 sensitive competitive business information, including marketing and label design decisions  
27 and design processes, product formulation, and supplier details, all of which Kroger  
28 believes could be used by competitors to harm Kroger." (Doc. No. 278-1 at 3.)

1       Once protected discovery documents are made part of a dispositive motion, “they  
2 lose their status of being raw fruits of discovery” and no longer enjoy protected status  
3 without some overriding interests in favor of keeping the material confidential. *Foltz v.*  
4 *State Farm Mut. Auto. Ins. Co.* 331 F.3d 1122, 1136 (9th Cir. 2003). Having reviewed the  
5 motion itself and the exhibits in question, the court does not find compelling reasons to file  
6 any of the documents under seal on the broad grounds set forth.

7       Accordingly, the court **DENIES** Plaintiff’s motion to seal. Having found no  
8 compelling reason exists to seal the documents, the Clerk of Court shall publicly file the  
9 documents lodged under seal at Docket Number 279 and 279-1.

10       IT IS SO ORDERED.

11       Dated: November 23, 2020

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14       Hon. Jeffrey T. Miller  
15       United States District Judge  
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